

ORIGINAL

BLECHER & COLLINS, P.C.
MAXWELL M. BLECHER (Pro Hac Vice)
mblecher@blechercollins.com
DAVID W. KESSELMAN (Pro Hac Vice)
dkesselman@blechercollins.com
COURTNEY A. PALKO (Pro Hac Vice)
cpalko@blechercollins.com
515 South Figueroa Street, 17th Floor
Los Angeles, California 90071
Telephone: (213) 622-4222
Facsimile: (213) 622-1656

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAY 17 2006

at 3 o'clock and 30 min. P.M.
SUE BEITIA, CLERK

FREDERICK W. ROHLFING III, A LIMITED LIABILITY LAW COMPANY
FREDERICK W. ROHLFING III #3474
FWR@caselombardi.com
Pacific Guardian Center, Mauka Tower
737 Bishop Street, Suite 2600
Honolulu, Hawaii 96813-3283
Telephone: (808) 547-5400
Facsimile: (808) 523-1888

Attorneys for Plaintiff Aloha Sports Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii
corporation,

Plaintiff,

vs.

THE NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION, an
unincorporated association,

Defendant.

CIVIL NO. CV04-00204 DAE/KSC
(Antitrust)

DECLARATION OF MAXWELL M.
BLECHER; EXHIBITS A - E

Hearing Date: May 18, 2006
Time: 2:30 p.m.
Judge: Hon. Kevin S.C. Chang

I, Maxwell M. Blecher hereby declare:

1. I am a member of the State Bar of California and am admitted to practice before the Courts of this State. I am also admitted to practice *pro hac vice* before this Honorable Court of Hawaii. I am an attorney with the law firm of Blecher & Collins and lead counsel of record for the Plaintiff Aloha Sports Inc. in this action. I am familiar with the record in this litigation and have personal knowledge of the matters stated herein, and I could and would testify competently to them if called as a witness.

2. I make this declaration in support of ASI's motion to bifurcate the trial pursuant to Fed. R. Civ. P. 42(b).

3. Soon after the settlement conference, via telephone conversation, I communicated to Mr. Curtner Plaintiff's intention – in accordance with Judge Chang's recommendation – to hold off on discovery related to the antitrust claim.

4. Attached hereto as **Exhibit A** are email communications between Maxwell M. Blecher and Gregory L. Curtner dated February 24, 2006.

5. Attached hereto as **Exhibit B** are email communications between Gregory L. Curtner and Courtney Palko dated March 8, 2006.

6. Attached hereto as **Exhibit C** are email communications from Atleen Kaur to Courtney Palko and David Kesselman dated April 7, 2006.

7. Attached hereto as **Exhibit D** is an email communication from Courtney Palko, counsel for ASI, to Greg Curtner and Atleen Kaur, counsel for counsel dated March 9, 2006.

8. Attached hereto as **Exhibit E** is an email communication from Atleen Kaur to Courtney Palko dated March 22, 2006.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and this Declaration was executed on May 12, 2006 at Los Angeles, California.

May 12, 2006

By: 
MAXWELL M. BLECHER